P.55 F

App. F. IX-4

1938.
(C.S.)

File No. 14-38

Serial Nos. 24, 45-50, 52-53.

Previous References
CS 90-38(1-2)
" 14-38(1-6)

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 9

Part B for May 40.

SUBJECT.

Rule to prohibit defaulters to serve on the Committee of Management. Vote at the GI meetings & the election or to stand as candidate

Notifies the above

WD 0573—GPB—22,500—12-9-39

AF 1077?) 19.9.1939

To the Commissioner Nyasaland
the Registrar of Companies Straits

P7
6/6

GENERAL AND REVENUE SECRETARIAT. 5953

(68)

NOTES.

File No. 14-38

FILE HEADING.

Rules to be framed under the Mysore Cooperative Societies Act

FROM The Registrar of Cooperative Societies in Mysore

No. 12036 Dated 12/4/39 Received 13/4/39

Diary No. 5953 Enclos. — Spare copies — Serial No. 24

BRIEF ABSTRACT OF LETTER

Requests in the circumstances mentioned orders for the framing a Rule to prohibit defaulters to serve on the Committee of Management vote at the general meeting and the elections or to stand as candidates etc.

NOTES AND ORDERS.

1) Copies of the Govt orders referred to in the P.W.D are placed below for perusal. It is submitted that a reference regarding separately as to whether a defaulter who is granted time for repayment of his dues continues to be a defaulter in spite of the grant of time is separately under consideration ~~and it~~ having been dealt with by the Law Section for opinion

6008
Dft
Approved
27/4/39

NOTES—First Sheet

2 5953

File No. 44 193 8 | General and Revenue Secretariat

It is for consideration and order whether order on final question may be awaited & taken up this letter for consideration after the question pending is decided, as it would be desirable to explain the term defaulter in the absence of any other stipulation in the Act or the rules Subs

Awaiting 8/5/39

L.P. 6008

8/5/39

3) It is submitted that orders have been issued in the matter that a defaulter who is granted an extension of time is not eligible either to vote at general meetings or stand as candidate for the office of the society. It seems desirable to add an explanation to the proposed rule re the term 'defaulter' in the absence of any other definition either in the Act or the rules The following explanation is suggested for consideration

"A defaulter is one who has not paid his dues within the time stipulated in the rules. Once a person has become a defaulter he does not cease to be such for the purpose of the rules merely because the committee of management extends time for payment" Law Section may also be consulted

Subs 25/4/39

Submitted for orders

4) This explanation

Serial No.

may be added to the proposed amendments Law Secretary may be consulted

Genl Secy

26.6.

7) 3/7

8) Law Asst Secy WTC

4.7.39

Law 3/7/39

GENERAL SECRETARY. 26 JUNE 1939

5) Comm

GENERAL SECRETARY. 4 JULY 1939

5) Subs with a copy of each of the Rules & the Report

Genl Secy Law

9) The proposed Rule may be split up in two distinct portions as under :-

Under R 44(2)(f) :- may be called R 6(e) :-

Notwithstanding anything contained in the bye-laws of a Society, (no) member, during the period he is in default to the Society in respect of his dues, for a period of three months or more, shall be eligible to vote in any of the general meetings of the Society even though the time for payment of his dues has been extended by the Committee of management

Under R 44(2)(g) - may be called R 6(f) :-

If any member during the term for which he has been elected or appointed to the Committee

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-83

g management, has failed to pay up his dues to the Society for a period of three months or more he shall be disabled from exercising his rights on the Committee of management and his office shall be deemed to be vacant, and if he fails to pay up his dues in full within one month after a notice in that behalf has been served on him

10) When the rules are sufficient it seems to be necessary for a definition of "a defaulter".

Dy Secretary) 3/8/39

11) The above two draft rules will serve the purpose

G. 18/8/39

12) Bot Secy Dev't Branch etc) 21/8/39

13) It seems desirable to insert the words or to stand as a candidate to the Board of management of such society" after the words "to vote in any general meeting of the society in Rule 6 E above. as otherwise it is possible for a defaulter to stand as a Candidate to the Board of management and get himself elected

SECY. LAW DEPT. 763 3 AUG. 1939 GOVT OF MYSORE

GEN. & REV. SECT. 21 AUG. 1939 FOREST BRANCH.

595

682

Serial No.

to the Board by eligible voters without exercising the vote himself. If adopted the words suggested above will be inserted and the rules published for inviting objections if any under Section Section 44 (3) of the Bd. Act. Subd for orders

23/8/38 Genl Secy

14) May be approved

GENERAL SECRETARY. 23 AUG. 1938 1378

15) The addition suggested in the office note may be incorporated in the draft ~~rules~~ rules, as proposed by the Law Section with this addition, be published in the Gazette for general information & objections if any.

2nd Member

16) 30/8

17)

Off Notes Subd for adoption. Certain additions have been made in the draft rules, in order to make the meaning clear. The file may kindly be sent to the Law Section for perusal of the drafts before issue.

31/8/38 1/9 18 For Scrutiny before issue

Law Asst Secy

1/9

NOTE-Contn. Sheet.

File No. F. 32 of 19 | General and Revenue Secretariat

Serial No.

19) Re (6 7) the last sentence in brackets to be omitted altogether. In other respects the draft rules may be approved.

Law Secretary. 3/4/91

20) 6 FF

Mr Secy
Rev Branch
Gen 3/4/91

21) For approval
4/9

Genl Secy

SECY. LAW DEPT. 1491 2 SEP. 1939 GOVT OF MYSORE

GEN. & [illegible] * 5 SEP. 1939 AGRI. & FOREST BRANCH.

File obtained in the Pay to obtain the [illegible] Law to enter [illegible] 5/9/1

22)

It is submitted that the rule 6F as altered by the Law Secretariat as per orders in Paras 19-20 above will enable a person to get elected to the Board, even in default payment, get the period of repayment extended by the Board and continue in office even though he may not have paid the dues because when the Board extends time for repayment no notice can be issued to the defaulter. It seems therefore desirable to add the words suggested at the end of the draft rule 6F to avoid any doubt arising and to make the

Serial No.

rule specifically clear that a defaulter cannot continue in office even though the Committee grants him time. Laid for order

9/9/39 23) I consulted the Asst. Secy. Law. He is of opinion that this clause "even though etc" is not necessary. The rules without that clause is quite clear and mandatory.

Draft is for approval

11/9/39

Asst. Secy

24) Done

14/9

Supdt

14/9

SECRETARY. 12 SEP. 1939

1913

45. A.F. 1077 Dt. 19. 9. 39 To The Compiler. M.G.

Notifies the Draft Rules disqualifying the defaulters from Voting at a General Meeting or Standing as Candidates to the Board of Management & or any of the offices of a Coop. Society.

Memo No. A.F. 1078 Copy to the Registrar of Cs

46. A.F. 1079 Dt. 19 9 39 To the Compiler M.G.

Notifies the Draft Rules disqualifying the defaulters from serving on the Committee of Management of or holding an office in a Coop. Society.

Memo No A.F. 1080. Copy to the Registrar of Cs

GEN. & REV. SECTT. -9 OCT. 1939

NOTE-Contra Sheet.

8

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File No. 14 of 19 38 | General and Revenue Secretariat

Serial No.

Letter No 847/ dated 15-11-39 from the Secy the Shimoga Coop. Bank Ltd forwarding the objections to ourprs rule 6 E.

Letter dated 17-11-39 from the Shareholders of the Sirsi Arecanut Farm Co. stating their objection to the proposed rules

Letter No 567/39-40 dated 20-11-39 from the Basdoor Mysore Coop. Institute suggesting certain amendments to Rule 6 E.

Letter No 1105 dated 20-11-39 from the Secy the Bangalore city Coop Society Ltd stating the objections to the proposed rules

(25) The Shimoga Cooperative Bank represent that the proposed rules ignore the legal effect of the extension of time given as per Section 63 of the Act and the bylaws & practice and seek to impose the penalties as though the time for repayment has not been extended. A member who is not a defaulter for purposes of dividends is to be considered as such for vote and election. The ourprs rules take away the power of the Committee to declare the eligibility or otherwise of a member either to vote or stand as a candidate and is therefore undemocratic and leads to too much of interference in the internal administration of the Society. It has helped those who think of spending some money towards stamps

Serial No.

and registration charges by repairing the bonds.

76) The Sirsi urban society represents that the defaulters may be permitted to vote but not allowed to stand for election as due to the economic depression debtors especially in rural areas cannot but become defaulters.

77) The Yagina Cooperative Institute suggests the addition of a proviso that a member is not to be considered a defaulter if no penal interest is chargeable from him.

78) The Bangalore City Cooperative Society state that the difference in the wordings of the order made and the circulars issued by the Registrar has given some difficulty. The Registrar's circular re the term "default" applies to the case where the time has been validly and properly extended 2) or granted a reduction in the amount of instalments 3) or increase of the interval between instalment 4) or postponement of payment of any instalment on a bonafide application made before the default occurred. Or 5) even in the case of reduction of rate of interest in all cases of penal interest prevailing at the time the bond executed, which construction would defeat the very object of the rules. It debars persons of standing and resources who fail to comply with the letter of the original

last

NOTE—Contn. Sheet

10

File No. of 19 | General and Revenue Secretariat.

Serial No.

they also represent that it would be difficult for defaulters to keep to the terms of the original bond because sometimes the ~~bond~~ instalment bonds provide for immediate repayment of the whole loan in default of the payment of a single instalment in time, in which case the redemption of the whole loan (as per original bond would be impossible. The proposed ~~rule~~ rule takes away the privilege of the members conferred according to bylaw 20(3) which was approved by Govt. The (draft) rule is not in consonance with the provisions of Rule 31, as while under the former there is a summary disqualification without notice, in the latter a notice is necessary and the disqualification arises only ~~with~~ the default after notice and time for replacement of the overdues. They therefore consider that Rule 31(2) is quite adequate for general purpose and that if necessary Rule 6E and the Registrar circular may be applied to only such societies as are indebted to Central financing institutions and that if the rule is to be applied to all societies, a proviso that "a person will not be considered a defaulter if before the default occurs he has applied for and obtained extension of time from the Society or its Committee in accordance with the bylaws or rules of the Society"

(4) It is submitted that, while there does not seem to be much force in the argument of the

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General and Revenue Secretariat. | 68 File No. 14 of 1938 | [App. F. III-2

Serial No.

the Shimoga book. Bank, there are certain points raised by the Bangalore city Cooperative bank which seem to deserve consideration. The bank has brought within the scope of default several items which do not seem to have been contemplated by the framers of the definition of the term "default" or while proposing to frame the rules. Another difficulty of the society is that while Rule 31 (2) disqualifies a defaulter only when he fails to pay after notice within time Rule 6 E now proposed disqualifies him straightaway. As the points raised are a little complicated and involve legal as well as administrative difficulties, it is for consideration and orders whether the file may not be unofficially referred to the Registrar C.S. for his remarks and a revised draft, if necessary, after taking into consideration the several objections that have been raised. Submitted for orders.

A

11/1/40 12/1 / 30) A. may be done

12/1

Genl: Secy 31) May be sent U.O to Registrar in the first instance for favour of remarks -

12/1/40

Dy No 163 / 1939-40 / 15-1-1940

31) Forwarded with compliments to the Registrar C.S. for favour of remarks

B.O.

15/1

Hiriyanna Rajan

18/1 for Genl: Secy

With C.S 90-38 (Mg) & 1737 (16)

NOTE Contra Sheet

Office of the Registrar of Co-operative Societies

16 JAN. 1940

No. 1322

C.10

GENERAL SECRETARY.

13 JAN. 1940

4435

12

File No. CS 8464 of 19 . | General and Revenue Secretariat.

31-1-40.

Serial No.

Returned with compliments.

33) The addition of the Clause "even though the time for payment of his dues has been extended by the Committee of Management" appears to have given rise to the objections raised against the Rule(6-E). This addition has been made by - Government to give a legal backing to the interpretation given by them in their order No.D.10607/C.S.90-38-2 dated 19th/21st June 1939. The legal aspect of the interpretation of the term 'defaulter' has been discussed by the Shimoga Co-operative Bank,Ltd., while the practical aspect has been explained by the Bangalore City Co-operative Society Ltd. It is a matter of common knowledge that however carefully loans are sanctioned, accidents will occur which make it difficult for borrowers to repay on the dates originally specified and agreed upon. Crops may fail, or may not be ready on the fixed date or may not be sold before the fixed date; cattle may die; the borrower's house may be burnt down; his family may be subject to plague and pestilence; floods or famine or a sudden shrinkage of commodity prices may upset the -- arrangements. The 6th Conference of Registrars considered that extensions might be given but only sparingly and when good excuse exists and the -- security remains sufficient and that in such cases the loan should not be treated as an arrear. In short in cases where the committee is satisfied that the borrower is unable to make the payment on the originally fixed date for some good reason, not due to any wanton fault on the part of the borrower the committee may extend the time for repayment. When

Serial No.

When in such cases the time for payment is extended, it is clear that the society cannot legally demand payment of the amount before the expiry of the time granted. In fact by extending the time for repayment from the original date (the date fixed in the bond) to the new date (sanctioned by the committee on the application of the borrower and on their having been satisfied that the extension is justifiable) the due date for payment is the new date. If the case is a genuine one, the only rational way of dealing with it is the grant of an extension. To grant an extension and at the same time to treat him as 'defaulter' is, it appears to me not fair.

2. The granting of a loan and fixing the term of repayment is a contract entered into by the society on the one hand and the borrower on the other. The terms of a contract can be changed or modified by the mutual consent of the parties to the contract. It therefore follows that if the committee is satisfied that the borrower is unable to pay the loan amount on the date originally fixed in the contract (loan bond) on account of causes beyond his control, changes the due date, the changed date becomes the due date. The byelaws of societies generally provide for the grant of extensions of time to the borrowers if they pay a certain proportion of the dues and up-to-date interest. To treat such persons as defaulters would be against the spirit of the byelaws. When the committees are vested with the power of granting loans, to deny them the power to grant extensions or change the terms of the original contract with the consent of the other contracting party or to treat members to whom such extensions of time have been granted as 'defaulters' would result in fictitious repayments and issues. These fictitious repayments and

NOTE—Contn. Sheet

Serial No.

and issues would overcome the "default" technically. Another important consequence may be that when the instalment of a long-term loan granted on the security of immoveable property, becomes due and the member is unable to repay on the due date, the committee, to prevent "default", may sanction a short-term loan without mortgage -- security to cover the instalment. While this is not irregular, the result is that a secured loan or a portion thereof is replaced by an unsecured loan. I may add that Government have recognised the power of the committee to sanction extension of time (Vide G.O.No.4115/C.S.17-38-6 dated 7th November 1938).

16, C

35) 3. There is no substance in the proposal of the Mysore Co-operative Institute to add a proviso re: payment of penal interest.

36) 4. Under Rule 31(2) (Election Rules), defaulters are not eligible to stand as candidates for election nor vote at the elections. It does not therefore appear to be necessary to incorporate the same provision in another Rule. It is enough if defaulters are prohibited from voting at the "General Meetings". Hence Rule 6-E may be recast as follows:-

"6-E. Notwithstanding anything contained in the byelaws of a society no member who is in default to the society in respect of his dues for a period of three months or more and who has not paid up the amounts overdue at least seven days before the date of the general meeting in spite of a notice having been issued to him, shall be eligible to vote at the general meeting of such society."

5. Under

2053

OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES IN MYSORE.

37) 5. Under the proposed Rule 6-F, a Notice is to be issued calling upon the defaulting member of the Committee of Management to pay up the amounts overdue, and if no notice is issued, it automatically follows that he will continue to function on the Committee. One of the duties of the Committee is to examine the overdue list every month. A member of the Committee is therefore expected to know the amounts due and overdue by him. When he is on the committee, it is doubtful if a notice would be got issued. It is therefore unecessary to provide for the issue of the notice to the defaulting Director under this Rule. The Rule may be recast as follows:-

"6-F. If any member during the term for which he has been elected or appointed to the Committee of Management or other office of a society has failed to pay up his dues to the society for a period of three months or more, he shall ipso facto cease to be a member of the Committee of Management and to hold the office to which he was elected or appointed."

GENERAL SECRETARY. 1 FEB. 1940

Registrar.

L.S.31/1.

GEN. & REV. SECTT. 1 FEB. 1940 AGTL. & FOREST BRANCH.

30) It is submitted that the Registrar has suggested the omission of the words relating to the grant of time by the Committee of management. It is not known whether this would mean the withdrawal of the circular issued by the Registrar to that effect

General and Revenue Secretariat. | File No. 14 of 1938 | 16 [App. F. III-2

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The revised rules proposed by the Registrar are for consideration and orders Govt

4/2/40 39) Kind reference is invited to the legal opinion in paras 7-10 of the notes & orders in the C.S. collection 90-38-(1+2) put up below.

5/2/40. 40) The draft rules 6(2) + 6(7) were notified after consulting the Law Secy. The Registrar has agreed with the ~~interpretation~~ Bangalore city Co-operative Society re: the interpretation of the term "defaulter". If this is accepted, it would be contrary to the interpretation of the term by Govt. (Please see collection 90-38-(1+2) placed below).

41) Law Secy may be consulted.

9/2/40.

Govt: Secy

GENERAL SECRETARY
9 FEB. 1940
C990

42) 12/2

Law Secy). 12/2

43) Letter marked II from the Registrar of Co: Societies, suggests that a Rule may be framed, as per the recommendations

Law Secy

NOTE—Contn. Sheet

Serial No.

of the Chandra Shekhara Ayers Committee [redacted] making defaulters ineligible to vote at meetings etc to serve on Committees of the Co: Society, as Rule 31 [redacted] is found to be insufficient for that purpose.

(iii) But in his letter marked I the Registrar seems to hold a different opinion from that expressed by him in his letter marked II, & is inclined to think that so far as the question of ineligibility to vote at elections & to stand as candidates for election, Rule 31(c) serves the purpose, & as such, he has suggested modification of Rule 6(E) as noted by him in Para 4 of his Note

(iv) The Rule framed by the Law Section is to be found in Note 9 of this file. It will be seen that the whole trouble is caused on account of the insertion of the last clause of that Rule (vi) "even though the time for payment of this due has been extended by the management the member remains a defaulter. The Registrar now seems to be in favour of removing that clause altogether.

(v) The Rule framed by the Law Section fulfills the recommendation made by the Chandra Shekhara Ayers Committee. By the time for payment being extended by the Committee the member

Serial No.

the defaulter does not become a non-defaulter. This position is fully discussed in the collected file marked "P". The argument of Despikes at Para 2 of his letter number I is not quite convincing. No doubt; if time for payment is extended to a defaulter, the Society cannot demand payment before the extended payment expires. Simply because, payment cannot be demanded of the Society before the expiry of the extended period, it does not follow, that of the grant of the concession, the debtor becomes a non-defaulter. The debtor remains a defaulter, for the purposes of voting, etc, in spite of the extension of time given when under the original Bond. But if an extension were given is taken for the old debt, then the old debt is deemed to be discharged, & the debtor will not be held to be a defaulter for the purposes of election etc. But as vide of the then Law-Secretary (vide Note 9. Flag P) so long as the rule stands, a defaulter does not become a non-defaulter, unless the extension of time for payment passed to him of the Committee grants.

(2) It is seen, that defaulters are not on the Committee, & are not eligible to vote at elections & meetings. The Committee wants an immediate relief from the present state of affairs — & it is with that idea that Rule 6(e) is framed of the Law Secretary (Note 9) but the modified Rule suggested of the Registrar in his vide Flag I does not satisfy the recommendation

NOTE—Contn. Sheet

1G

5877/39

File No. of 19 . | General and Revenue Secretariat.

Serial No.

y Co-operative Societies Commissioner.

(2) Further, I do not see how the Registrar can frame a rule debarring defaulter members. The defaulter, if any prohibited from voting in the general meetings — that seems to me to be a very salient Rule, and if the defaulter wants to exercise the right, he may pay up his dues in full.

(3) But if the Registrar does not want to have it, then there is no necessity to frame a Special Rule as suggested by him. He may get Rule 31 (2) amended by adding the word "both" before the words "at the general election" and after "general election" the words "immediately and after" "annual general meeting". By this slight amendment the purpose will be served.

(4) As re: Rule 6(4) the Registrar is of opinion that the clause relating to notice may be deleted. I agree with the Registrar and that rule as modified by the Registrar may be adopted.

Law Secretary). 6/3/40

6229 6/3

5) There is no need to frame a fresh rule like 6-E.* Rule 31 (2) may be amended by adding or at the annual general meeting" after the words "general election". The rule 6-F* may

* Flag W.

* Flag W

Serial No.

be recast by omitting the words "and ---- ---- served on him" and it may be issued as 6-E.

OFFICE OF THE SECOND MEMBER OF COUNCIL. 18 MAR 1940 No. 8003

II Member) Hm 2 18/3

52) Regs may be despatched to Tea Com. about this

KG 22/3

Hm 2 25/3

53) I showed to Hon. Hug. today, but I am informed that he is on leave Casual leave for today & tomorrow. Bangalore on 27.3.40.

3 29/3/40

54) The file is resubmitted as per orders above

55) The Personal Asst to the Registrar is informed that as the Hon. the Chief Secretary is on leave till Friday. I have to request the P.A. to inform the Hon. the Chief Secretary on Friday. Please place this file on the table of the Secretary on Friday.

Jaua 27/3 Hm

3 27/3/40.

56) This may be submitted to the Law Secretary as per the above orders.

3 29/3/40

Law Secretary) 29/3

NOTE—Contn. Sheet

21

File No. of 19 .

General and Revenue Secretariat.

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57) An explanation in the following manner may be added to Rule 31(2).

'Explanation :-

A member shall not be deemed to be a defaulter if he obtains from the Committee of management an extension of time for the payment of a debt before it becomes due but not after"

58) The Registrar of Coop. Societies may be consulted.

General Secretary) Hm 2 1.4.

Reg no 257/1939-40) 2.4.40 3/4/40

59) Forwarded with compliments to the Registrar of Co-operative Societies in Mysore for favour of remarks.

By order.

Sm
Gen Asst
2/4/40

Hm
2/4

GENERAL SECT. 2 APR. 19.. 6087

With 2 enclosures

Office of the Registrar of Co-operative Societies
3 APR. 1940
No. 6696

Serial No.

115788 Encl 6-4-40

Retransmitted with compliments:-

60 It has been suggested by the Law Secretary that, with a view to prohibit defaulters from voting at general meetings, it is enough if the words "or at the Annual General Meeting" are added after the words "General Election" in Rule 31(2) and that there is no necessity to frame a separate rule. Though in the course of my general discussions with him, I had tentatively agreed to this, on further consideration I find that the whole of Rule 31 refers to elections as will be clear from the opening sentence of the Rule viz., "The following Rules for the election of the members to the Committees of Management or of other offices of co-operative societies ~~recognised~~ should be adopted by all co-operative societies registered under the Mysore Co-operative Societies Act, VII of 1918, as amended from time to time". It therefore follows that the Sub-rules 1-18 of Rule 31 and any additions to them apply only to elections and not to other matters relating to the business of the society transacted at general meetings. Moreover, rules regulating the appointment, suspension and removal of the members of the Committee and other officers are framed under Section 44(2)(g) while rules for the procedure for general meetings and powers to be exercised by such meetings have to be framed under Section 44(2)(f) of the Act. Further, the addition of the words "or at the Annual General Meeting" will not suffice. A society has sometimes to conduct many general meetings viz., (1) Annual General Meeting, (2) Special General Meetings called by the Committee either on their own motion or on the requisition of members or at the instance of the Registrar under Rule 19 of the Mysore Co-operative Societies Rules or Section 35(c) of the Mysore Co-operative Societies

NOTE—Contn. Sheet.

P.T.O.

23.

File No. of 194 .

General and Revenue Secretariat

Serial No.

Societies' Act. The recommendation of the Chandrasekhara Iyer Committee in this respect cannot be considered to have been given effect to by prohibiting defaulters from voting at the general election or at the annual general meeting, but only when defaulters are prohibited from voting at the elections as also at all general meetings of the society. As Rule 31 relates only to elections, I think another Rule is necessary to prohibit defaulters from voting at the general meetings. If this view is accepted, Rule 6-E may stand as proposed by me in my note dated 31-1-1940 extracted below for ready reference.-

"6-E. Notwithstanding anything contained in the byelaws of a society, no member who is in default to the society in respect of his dues for a period of three months or more and who has not paid up the amounts overdue at least seven days before the date of the general meeting, in spite of a notice having been issued to him, shall be eligible to vote at the general meeting of such society."

(1) The explanation proposed to be added to Rule 31(2) may be brought under the said Rule 6-E.

(2) As regards 6-F. I suggest a slight verbal alteration as noted below:

"If any member during the term he has been elected or appointed to the Committee of Management or other office of a society continues to be in default to the society in respect of his dues for a period of three months or more he shall <u>ipso facto</u> cease to be a member of the committee of management and to hold the office to which he was elcted or appointed."

Registrar.

L.S.6/4.

GEN. & REV. SECT.
- 9 APR. 1940
GENERAL SECRETARIAT
9 APR. 1940

5827/39
P
2053

General and Revenue Secretariat | (a) File No. 14 of 1939. | [App. F. III-2

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	63) The file may now be submitted to the Law Secretary with reference to Paras 57-58 above. Rules Hm 19/4/40 Hm 19/4 Asst: Secy Law W/4 64) Registrar's opinion is to be received Law Secy). 3 18/4/40
19/4 18/4	65) The rules as suggested by the Registrar may be framed.
	II Member) Hm 22/4. 66) Ill 28/4/40 Hm 29/4 29/4 67) Legal Secretary) 3 29/4/
	30/4 68) Notifications should be above Hm 3/5/40 69) Two drafts for approval Secretary) 4/5/40 70) Hm 4/5

23 APR. 1940 No. 9279

GENERAL SECRETARY. 30 APR. 1940 1748

GENERAL SECRETARY. 4 MAY 1940 6906

TYPING SECTION. 6 MAY 1940

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25—

20.

File No. 14 of 1938.

General and Revenue Secretariat.

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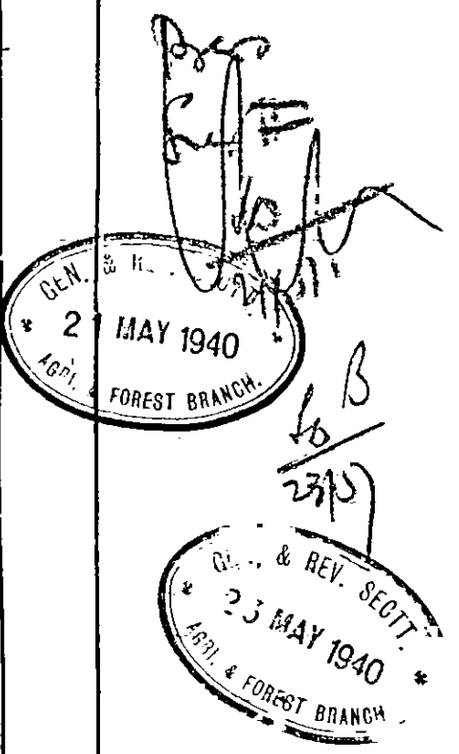
52	AF. 6169. 2. 9. 5. 40. To The Compiler. M.G. Notifies the rule disqualifying defaulters from voting at a General Meeting of a Cooperative Society AF. 6170. 2. 9. 5. 40. Copy to the Registrar C.S. AF. 6171 2. 9. 5. 40. To The Compiler. M. G.
53.	Notifies the rule disqualifying defaulters from serving on the Committee of Management of or holding offices in Cooperative Societies. AF. 6172 2. 9. 5. 40. Copy to the Registrar C.S.



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C.S. 14-38-24

GOVERNMENT OF MYSORE.

No. 12034 C. S.

DEPARTMENT OF CO-OPERATION.

OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES IN MYSORE.

Telegraphic Address: "CO-OPERT" Bangalore

Dated Bangalore, 12th April 1939.

GOVT. OF MYSORE. 13 APR 39

GEN. & REVENUE SECRETARIAT. 5953 13 APR. 1939 DEVELOPMENT BRANCH.

FROM

M. ABDUL HUKH, ESQ., B.A.,
Registrar of Co-operative Societies in Mysore,
BANGALORE.

To

P.H.Krishna Rao, Esq., M.A.,
Secretary to the Government of Mysore,
Local Self-Government Department, Bangalore.

Sir,

I have the honour to invite your kind reference to the marginally noted recommendations of the Chandrasekhara Iyer Committee on Co-operation in Mysore in the matter of disqualifying defaulting members of Co-operative societies from serving on the Committees of Management of such societies and from voting at the general meetings of such societies, and to para 6 of Government Order No.D.1113/C.S.11-36-144 dated 31st July 1937 and Government Order No.D.1671/C.S.11-36-290 dated 7th September 1938 accepting the said recommendations and observing that the Rules of Election to the Committees of Management issued by Government (Rule 31 of the Rules under the Mysore Co-operative Societies' Act) provide for this and to state as follows:-

"A general Rule may be made declaring that defaulters are ineligible to vote at meetings and to serve on committees, with power to the Registrar to exempt rural societies".

CHAPTER II, Page 29.

"A person who has defaulted in respect of his own loan for three months should be disqualified from the office of the member of a Committee"

CHAPTER VI, Page 109.

Rule 31 prescribes the procedure to be followed in the conduct of annual elections to the Committees of Management of societies. It disqualifies defaulting members from standing as candidates for election at the time of the election but does not disqualify a person who at the time of election is not a defaulter but subsequently becomes a defaulter from serving on the Committee till the next elections nor does it prohibit or disqualify members from voting at the general meetings - as distinguished from elections. To give effect to the recommendations of the Committee and the Orders of Government thereon, it

P.T.O.

it will be necessary to frame a Rule under Sections 44(2)(f) and (g) of the Mysore Co-operative Societies' Act. The following draft of a Rule is sent herewith for the consideration and orders of Government.

Rule 6 E. Disabilities of defaulting members:-

"Notwithstanding anything contained in the byelaws of a society, no member who is in default to the society in respect of his dues for a period exceeding three months shall be eligible to serve on the Committee of Management of such society or vote at the general meeting of the society and any member of a society who has been appointed as such shall cease to hold the appointment if he is in default to the society in respect of his dues for a period exceeding three months".

I have the honour to be,
Sir,
Your most obedient servant,

Registrar.

L.S.11/4.

Appendix F G—1]

SUBJECT..... 12 Copies Two Rs

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.....

Section 66

File No. 14-38

Serial No. 45

Diary No. of letter replied to.....

No. A 71 (077)

General and Revenue Secretariat

the *193*

Date of issue..... 19-9-39

Signed by..... W. J. H. G.

List of enclosures.....

Copied by.....

Examined by.....

Notification

In exercise of the powers vested in them under section 44 (2) (b) of the Mysore Cooperative Societies Act VII of 1918 as amended from time to time the Govt of H.H. the Maharaja of Mysore are pleased to publish the following draft rule disqualifying persons for voting at a General meeting or standing as candidates for the Board of management or any of the office of a Cooperative Society

Any suggestions or objections to the proposed rule may be sent in writing to the General Secretary to Govt within two months from the date of publication of this notification in the Mysore Gazette after which the draft rule will be taken up for consideration

Any suggestions or objections received after the date

will not be considered by the

(6 E) Notwithstanding anything contained in the bye laws of a Society no member, during the period he is in default to the Society in respect of his dues for a period of three months or more shall be eligible to vote in any of the general meetings of the Society or to stand as a candidate to the Board of management or other offices of such society even though the time for payment of his dues has been extended by the Committee of management

Price to be added by the Supdt.
19

B O

H/
19/3
Secretary

To

The Certified copies of notice for publication in Part IV of the Gazette in English and Kannada with a request that 150 copies of each of the notice may be sent to the Registrar C.S. and 25 copies each to this office

Memo A 7/1078 Dt 19-9-37

Copies of the above is forwarded with compliments to the Regr C.S. for information

B O

Secretary
19/3

No A 7 1977
ES 14-38-45

General and Avenue Road Nursery,
Dated, Bangalore, 9th September 1939.

Notification.

In exercise of the powers vested in them under section 44 (2) (f) of the Mysore Co-operative Societies Act VII of 1936 as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to publish for general information the following draft rule disqualifying the defaulters from voting at a General Meeting or standing as candidates to the Board of Management or any of the offices of a Co-operative Society.

Any suggestions or objections to the proposed rule may be sent in writing to the General Secretary to Government within two months from the date of publication of this notification in the Mysore Gazette after which the draft rule will be taken up for consideration.

Any suggestions or objections received after the due date will not be considered by Government. PP (6E) Notwithstanding anything contained in the bye-laws of a society no member, during the period he is in default to the society in respect of his dues for a period of three months or more shall be eligible to vote in any of the General Meetings of the Society, or to stand as a candidate to the Board of Management or other offices of such society even though the time set for payment of his dues has been extended by the Committee of Management.

By order,

Human Rights

for General Secretary to Government.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette in English and Kannada with a request that 150 copies of each of the notification may be sent to the Registrar of Co-operative Societies in Mysore and 25 copies each to this office.

NOTIFICATION.

No. A. F. 1077—*C. S.* 14-38-45, *dated Bangalore, 19th September* 1939.

In exercise of the powers vested in them under Section 44 (2) (*f*) of the Mysore Co-operative Societies Act VII of 1918 as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to publish for general information the following draft rule disqualifying the defaulters from voting at a General Meeting or standing as candidates to the Board of Management or any of the offices of a Co-operative Society.

Any suggestions or objections to the proposed rule may be sent in writing to the General Secretary to Government within two months from the date of publication of this notification in the *Mysore Gazette* after which the draft rule will be taken up for consideration.

Any suggestions or objections received after the due date will not be considered by Government.

(6E) Notwithstanding anything contained in the bye-laws of a society no member, during the period he is in default to the society in respect of his dues for a period of three months or more, shall be eligible to vote in any of the General Meetings of the Society or to stand as a candidate to the Board of Management or other offices of such society ~~even though the time for payment~~ of his dues has been extended by the Committee of Management.

By Order,

J. APPAJI GOWDA,
Secretary to Government,
General Department.

Printed by the Superintendent at the Government Press, Bangalore.

Appendix F G—1]

SUBJECT..... Two Bls 2 22

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Section 65

File No. 14-38

Serial No. 46

Diary No. of letter replied to.....

No. A71079

General and Revenue Secretariat

( )

the *193* .

Date of issue..... 19-9-39

Signed by..... for [illegible]

List of enclosures.....

Copied by.....

Examined by.....

Notification

In exercise of the powers vested in them under Section 44 (2) (q) of the Madras Cooperative Societies Act VII of 1918 as amended from time to time, the Govt of Madras are pleased to publish for general information the following draft rule disqualifying the defaulters from serving on the Committee of management of or holding an office in the cooperative society

Any suggestions or objections to the proposed rule may be sent in writing to the General Secretary to Govt within two months from the date of publication of this notification in the Madras Gazette after which the draft rule will be taken up for consideration.

Any suggestions or objections received after the due date will

not be considered by Govt

(6 F). If any member during the term for which he has been elected or appointed to the Committee of management or other office of a Society has failed to pay up his dues to the Society for a period of three months or more and if he fails to pay up such dues in full within one month after a notice in this behalf has been served on him he shall be disabled from exercising his rights or duties as a member of management or other Committee of the Society, and his office shall be deemed to be vacant, (every time the time for payment of the dues has been extended by the Committee of management).

Dues & subscriptions

By order

To The Superintendent Government Printing for publication in Part IV of the Gazette in English and Kannada with as little delay as possible 150 copies of each of the notifications may be sent to the Registrar and 25 copies each to this office

Memo A7/1080 dt 19-9-39

A copy of the above is forwarded with compliments to the Registrar Co-op for information

B. O

19/9

19

NOTIFICATION.

No. A. F. 1079—C. S. 14-38-46, dated Bangalore, the 19th September 1939.

In exercise of the powers vested in them under Section 44 (2) (g) of the Mysore Co-operative Societies Act VII of 1918 as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to publish for general information the following draft rule disqualifying the defaulters from serving on the Committee of Management of or holding an office in a Co-operative Society.

Any suggestions or objections to the proposed rule may be sent in writing to the General Secretary to Government within two months from the date of publication of this notification in the *Mysore Gazette* after which the draft rule will be taken up for consideration.

Any suggestions or objections received after the due date will not be considered by Government.

(6F) If any member during the term for which he has been elected or appointed to the Committee of Management or other office of a Society has failed to pay up his dues to the Society for a period of three months or more (and if he fails to pay up such dues in full within one month after a notice in this behalf has been served on him) he shall be disabled from exercising his rights on the Committee of Management or other office, and his office shall be deemed to be vacant.

By Order,

J. APPAJI GOWDA,

Secretary to Government,
General Department.

Printed by the Superintendent at the Government Press, Bangalore.

14-38

THE SHIMOGA CO-OPERATIVE BANK, LTD.,

Ex. 14-38-47

SHIMOGA,

All communications to be addressed to the HONORARY SECRETARY.

Ref. No. 847

15th November, 1939.

GEN. & REV. 17 NOV. 1939 AGRI. & FOREST BRANCH.

2008

GENERAL SECR. 17 NOV. 1939

The Secretary to Government,
General Departments,
BANGALORE.

I have the honour to send herewith the objections of the Shimoga Co-operative Bank, Ltd., Shimoga, to draft rule 6 E published on pages 457-458 of Mysore Gazette Part IV of September 21, 1939.

I have the honour to be,
Sir,
Your most obedient servant,

Hon. Secretary.

THE SHIRGA CO-OPERATIVE P... LTD. * NO.....

Objections to the Draft Rule No.6 E.

The draft rules proposed seek to penalize defaults on the part of members in the payment of their dues to the societies by making them ineligible to vote or to stand as candidates at the election of Committee members. The minimum period of default requisite for the operation of such ineligibility is three months.

These rules have been so interpreted that the term "default" is taken as default in relation to the terms of the bond executed by the member or members in favour of the society. This and this alone is taken as the determining factor. This interpretation attaches no importance to extension of time by the Committee of Management.

The power of extension of time for repayment is one given by Section 63 of the Indian Contractor Act. It is also given by specific byelaws of societies. When time for repayment has been extended, the member (promiser) is free from the obligation immediately to perform. This is the legal effect of such extension of time. The draft rules proposed ignore this legal effect and seek to impose the penalties as though the time for repayment had not been extended. Matters are also complicated because according to the books of the Society, the member who has had an extension of time for repayment is not a defaulter. During the period of the extension, no penal interest can be charged and no suit can be filed against such a member. It is an anomalous situation that a member is to be regarded as not a defaulter for the purpose of recovering of the debt due from him, but regarded as a defaulter for purposes of election.

Apart from the anomaly and the complicating tendency in these draft rules, It has also to be seen that there is a fundamental

objection to the proposed draft rules. These draft rules would take away the power of the Committee of Management (duly elected and responsible for the Management of the Society) to declare who is eligible and who is ineligible to vote and to stand as a candidate. The election of Committee Members is a mere matter of internal administration. It is undemocratic and against the interests of the societies themselves to interfere in matters of internal administration. The cry from all quarters has been that Government has had to do and has been doing so much for the Societies. Non-interference or less interference and not more ought to be the rule in the case of all societies in a healthy working condition. As regards societies in a diseased or unhealthy condition, the Registrar is armed with sufficient powers. The Committee of Management is always answerable at the General Meetings to the General Body and if the General Body finds that any particular Committee has misused or abused its powers, it has always the power to throw out such Committee.

The interpretation has helped those who could afford or thought it worthwhile to spend some money for renewing their loans by preparing and executing fresh bonds. The result is only a very small addition to the stamp-revenue and perhaps registration revenue of the State.

In view of all these circumstances the Committee of the Shimoga Co-operative Bank and the General Body of the Bank are of opinion that the draft rules are unnecessary and harmful and that it should be clearly laid down that when time for repayment has been extended by Committees of Management, the member who has had time extended ought not to be regarded as a defaulter within the

29

the meaning of rule 31.

G. Srinivasmurthy

Shimoga,
15th November, 1939.

Hon. Secretary,
Shimoga Co-operative Bank, Ltd.

G.O. 14-381-40-
2049

GEN. & REV. SCOTT
21 NOV. 1939
AGRI. & FOREST BRANCH.

GENERAL SECRETARIAT
21 NOV. 1939

To

The Secretary to Government,
Revenue Department,
Fort St. George.

Sir,

I have the honour to refer to the Government Order No A.F.1077 - C.S. 14 - 38 - 45 dated Bangalore 6th Sept 1939 and to state that the Government have been pleased to sanction the grant of the lands mentioned in the annexed statement to the Indian Coffee Planters' Association, Bangalore, for the purpose of starting a Coffee Research Station, subject to the conditions specified in the said statement.

2. The Government have also been pleased to direct that the Director of Agriculture should be the Trustee of the lands granted.

3. I am to request that the necessary sanad may be issued in favour of the Director of Agriculture.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- K. Ramaiah
Secretary

Sd/- T. Venkatappa Setty
Secretary

4

I.N.

Dy. Superintendent

H/H Syed Jamaluddin

S. Nanjundaiah

14-38
C.S 14-38-49

The Mysore Co-operative Institute

NO. 1 HARDINGE ROAD, CHAMARAJPET

BANGALORE CITY.

Dated 20th Novr 1939

457/35.40

2047

To

The Secretary to Government of Mysore,
General Department,
Bangalore.

GENERAL SECRETARIAT
20 NOV. 1939

GEN. & REV. SECTT.
20 NOV. 1939
AGRI. & FOREST BRANCH.

Sir,

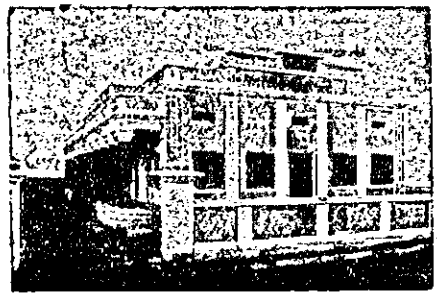
I have the honour to state that the Gazette Notifications: Nos. A.F.1077-C.S.14-38-45 dated 19th September 1939 and A.F.1079-C.S. 14-39-46 dated 19th September 1939 regarding the Draft Rule 6E and 6F respectively to be included in the Rules under the Mysore Co-operative Societies Act were considered by the Governing Body of the Institute at their meeting held on 19th November 1939. Their opinion is noted below for your kind perusal and necessary action:

(i) That a Proviso be added to the proposed Rule 6E as follows:
"Provided, however, that a member is not to be considered a defaulter if no penal interest is chargeable from him.

(ii) There is no objection regarding the proposed Rule 6F.

I have the honour to be,
Sir,
Your most obedient servant,

President.



THE 14-38-50

Bangalore City Co-operative Society, Ltd.

(ESTABLISHED 1905)

NEW THARAGUPET, BANGALORE CITY

Ref. No 1105 *Date* 20th Novr. 39

To

The Secretary to Government,
General Department,
Bangalore.

2053

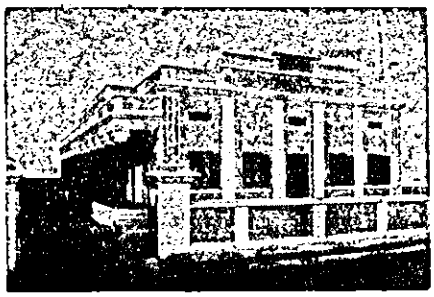
GENERAL SECRETARIAT 20 NOV. 1939

GEN. & REV. SECTT. 20 NOV. 1939 AGRI. & FOREST BRANCH.

Sir,

With reference to Government Notification Nos. A.F 1077- C.S. 14-38-45 and 1079-C.S. 14-38-46 dated the 19th September last calling for suggestions and objections to the draft rules Nos. 6 (E) and 6 (F) proposed to be issued under Section 44 (2) (f) of the Mysore Co-operative Societies Act, in the matter disqualifying defaulter members from voting at General Meetings or standing as candidates to the Board of Management or any of the offices of a Co-operative Society and from serving on such a Committee or holding such an office. published in Part IV of the Mysore Gazette dated 21st September 1939, I am directed by the Committee of Management of the Bangalore City Co-operative Society, Ltd., to state as follows:-

2. There can be no objection to the rule disqualifying defaulters from voting at General Meetings or standing as candidates to any office or membership on the Committees of Management of Co-operative Societies, a principle which has been already recognised to some extent and adopted in rule 31 promulgated with regard to the election of Committees of Management or other offices of co-operative societies. But the Committee wish to bring to the kind notice of Government that a difficulty has arisen owing to the difference in wordings of the rules framed by Government and a Circular issued by



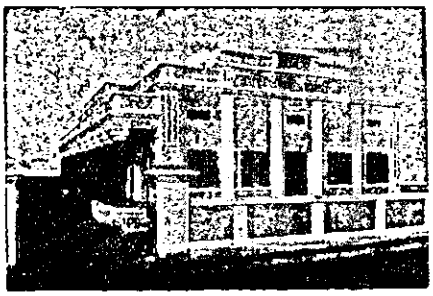
THE
Bangalore City Co-operative Society, Ltd.
(ESTABLISHED 1905)
NEW THARAGUPET, BANGALORE CITY

Ref. No. 105 Date 20th Novr. 39

by the Registrar of Co-operative Societies with his No. 1 dated 4th July last (a copy of which is enclosed for ready reference). They consider that the word 'defaulter' can denote only a person who has failed to pay his dues either in accordance with the bond originally executed by him, or in accordance with any of the terms which might have been subsequently settled and fixed by a proper and valid resolution duly passed by the Committee of Management under the powers vested in them for the grant and recovery of loans, for varying the sums and the periods of payment of each instalment in cases of loans payable in instalments, for granting extension of time for repayment in other cases and for reduction of the rates of interest or penal interest on the amount and similar other matters, on applications duly made by him or otherwise, prior to the arrival of the time originally fixed for payment of the instalment or the loan amount concerned and before the default has occurred.

3. The Registrar's Circular cited above however seems to imply that a person would become a defaulter and continue to be such until he complies with all the conditions fixed in the original bond although he might have been validly and properly allowed further time for payment or granted a reduction in the amounts of instalments or increase of the interval between instalments or postponement of payment in respect of any instalments on a bona fide application made by him to the Society before the default occurred, or even if the Society decides to reduce in all cases the rates of interest or penal interest prevailing at the time the bond was executed.

Such



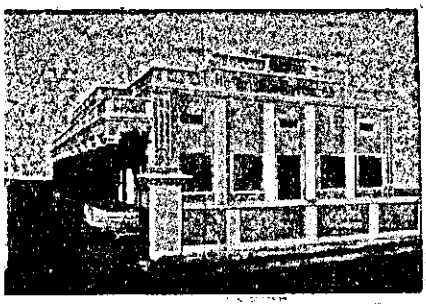
THE
Bangalore City Co-operative Society, Ltd.
(ESTABLISHED 1905)
NEW THARAGUPET, BANGALORE CITY

Ref. No. 1105 Date 20th Novr. 39

Such a construction, the Committee submit, would defeat the very object of the rules as there would be no incentive to a member to attempt to keep his account in order before a default is likely to occur. It would also mean that whatever the personal character, standing resources of a member, and the security available to and the financial condition of a society, he sould be disenfranchised, and debarred from standing for election to any office or membership in the Committee of Management, once he has failed to comply with the letter of his original bond though he might have applied for and got extension of time for repayment even before the default has occurred on account of any unexpected change in his circumstances subsequent to the bond. Sometimes the instalment bonds provide for immediate repayment of the whole loan which may be repayable by instalments during a long period of 10 years if a single instalment is not paid in time. It can easily be imagined what difficulty the member would be put to if the Society cannot afford him relief by accepting only the overdue instalments in deserving cases, allowing the loan to run on.

4. In this connection the Committee begs to invite reference also to Government Proceedings No. D. 4115/C.S., 17-38-6 dated 7th November 1938 directing the approval of bye-laws Nos.20 (2) and 20 (3) of this Society, which authorises the Committee to extend the original period of loans in proper cases without taking a fresh bond and to state that as observed by Government in that Order, Rule 6 (I in the form proposed read in the light of the Registrar's Circular

would



THE
Bangalore City Co-operative Society, Ltd.
(ESTABLISHED 1905)
NEW THARAGUPET, BANGALORE CITY

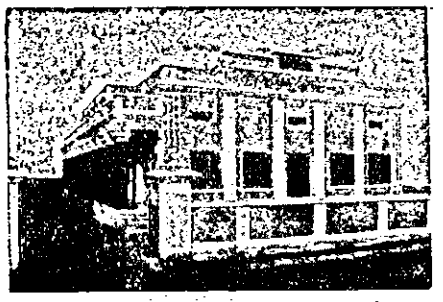
Ref. No. 1105 Date 20th Novr. 39

would only penalise members of Societies unnecessarily.

5. Further the proposed Rule 6 (E) does not appear to be quite in consonance with the provisions contained in Rule 31 issued under Government Notification No. D 4923 C.S., 11-36-231 dated 12/15th January 1938 with regard to elections, inasmuch as it proposes to summarily disqualify all members who are in default in respect of their dues for a period of three months or more,- obviously at the time of the meeting,- and even though no notice might have been issued to them appraising them of their default while the older provisions contained in Rule 31 contemplate such disqualification only in respect of persons who have been in default for three months or more at the time of the issue of the notice convening the General Meeting (i.e. at least 15 days prior to the meeting) and that on their failure to pay up their dues inspite of the written intimation of their default sent to them along with the notice of the meeting.

6. The Committee feel however that in the case of Co-operative Societies indebted to central institutions and carrying on business from borrowed capital without having adequate financial resources to accommodate all their members, or being able to discharge their obligations punctually, there may be need to impose these restrictions. Since the existing clause (2) of rule 31 seems quite sufficient to ensure the regular discharge of their obligations by indebted members of good societies, it is respectfully suggested that the proposed rule 6 (E) and the Registrar's Circular

may



THE

Bangalore City Co-operative Society, Ltd.

(ESTABLISHED 1905)

NEW THARAGUPET, BANGALORE CITY

Ref. No 1165 Date 20th Novr. 39

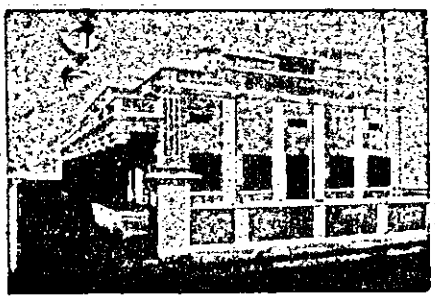
may be made applicable only to all societies indebted to central institutions. If however it is felt necessary to issue the rule as now proposed, it is requested that the aspects of the matter above set forth may be made clear and provided for by adding a proviso to the proposed rule to the effect that a person will not be a defaulter "if before the default occurs he has applied for and obtained extension of time from the Society or its Committee of Management in accordance with the bye-laws and rules of the Society", or by issuing necessary instructions to the Department to amend the wording of their Circular above-referred to so that the difficulties pointed out above may not arise.

I have the honour to be,
Sir,
Your most obedient servant,

K. Venkatesha

Secretary.

NVS.



THE

Bangalore City Co-operative Society, Ltd.

(ESTABLISHED 1905)

NEW THARAGUPET. BANGALORE CITY

Ref. No..... *Date*.....

OFFICE OF THE REGISTRAR OF CO OPERATIVE SOCIETIES IN MYSORE, BANGALORE.

Circular No. 1- C.S., dated 4th July 1939.

The Honorary Secretaries of Co-operative Societies are hereby informed that Government have been pleased to direct, in their Order No. D.10607-C.S.-90-38-2, dated 19th - 21st June 1939, that a defaulter of a Society is one who has not paid the dues within the stipulated time and that once a person has become a defaulter, he does not cease to be such merely because the Committee extends the time for repayment and that therefore such person is disqualified from voting or standing as a candidate for election. All Societies are requested to bear in mind the instructions of Government in the matter of the treatment of defaulting members and see that, even cases in which the Committees grant extensions of time for the payment of overdue amounts, the persons concerned are treated as being ineligible to vote or stand as candidates for election.

Sd. M. Abdul Hukh,

Registrar.

"Copy"

Secretary.

12 copies

Appendix F G—1]

Two 0/5

SUBJECT.....

Section 65

File No. 14-38

Serial No. 52

Diary No. of letter replied to.....

No. A 7.6169

General and Revenue Secretariat

( )

the —19

Date of issue 9-5-40

Signed by Mr. J A G—

Notification

In exercise of the powers vested in them under section 44(3)(f) of the Mysore Cooperative Societies Act VII of 1918 as amended from time to time the Govt of H. H. the Maharaja of Mysore are pleased to frame the following rule disqualifying defaulters from voting at a general meeting of a cooperative Society.

(Here enter the rule as in the enclosure)

B. O

for

4/5

Secretary

4/5/40

List of enclosures.....

Copied by .....

Examined by .....

To the Cantonment Mysore Gazette

P.T.O

57

for publication in Part IV of the Gazette in English and Kannada with the request that 200 copies each of the notification may be supplied to the Registrar of Co-op and 100 copies to this office

Memo A 76170. dt 9/5/60

Receipt of the above is acknowledged with compliments to the Registrar of Co-op. Societies for information

B.O

9/5/60

Secretary

Annexure

6E. Notwithstanding anything contained in the bye-laws of a ~~Society~~ Co-operative Society, no member who is in default to the Society in respect of his dues for a period of three months or more and who has not paid up the amounts overdue at least seven days before the date of the general meeting, in spite of a notice having been issued to him, shall be eligible to vote at the general meeting of such ~~the~~ Society.

Explanation - A member shall not be deemed to be a defaulter if he obtains from the committee of management an extension of time for the payment of a debt before it becomes due but not after.

4/5/90

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. A 76169 / R Sec 308-52

General and Revenue Secretariat.

Dated Bangalore 4th May 1953.

NOTIFICATION

In exercise of the powers vested in them under Section 44(2)(i) of the Mysore Co-operative Societies Act VII of 1959 as amended from time to time the Government of His Highness the Maharaja of Mysore are pleased to frame the following rule disqualifying defaulters from voting at General Meeting of a Co-operative Society.

"65. Notwithstanding anything contained in the byelaws of a Society, no member who is in default to the Society in respect of his dues for a period of three months or more and who has not paid up the amounts overdue at least seven days before the date of the general meeting, in spite of a notice having been issued to him, shall be eligible to vote at the general meeting of such society.

Explanation - A member shall not be deemed to be a defaulter if he obtains from the Committee of Management an extension of time for the payment of a debt before it becomes due but not after."

By order,

Sd/-

Joint General Secretary to Government.

To

The Compiler, Mysore Gazette for publication in Part IV of the Gazette in English and Kannada with the request that 200 copies of each of the notification may be supplied to the Registrar of Co-operative Societies and 100 copies to this office.

100 Gms

NOTIFICATION.

No. A. F. 6169—*C. S.* 14-38-52, *dated Bangalore, the 9th May* 1940.

In exercise of the powers vested in them under Section 44 (2) (*f*) of the Mysore Co-operative Societies Act, VII of 1918, as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to frame the following rule disqualifying defaulters from voting at a General Meeting of a Co-operative Society.—

6-*E*.—Notwithstanding anything contained in the bye-laws of a Society, no member who is in default to the Society in respect of his dues for a period of three months or more and who has not paid up the amounts overdue atleast seven days before the date of the general meeting, in spite of a notice having been issued to him, shall be eligible to vote at the general meeting of such society.

Explanation.—A member shall not be deemed to be a defaulter if he obtains from the Committee of Management an extension of time for the payment of a debt before it becomes due but not after.

By Order,

J. APPAJI GOWDA,

Secretary to Government,

General Department.

Printed by the Superintendent at the Government Press, Bangalore.

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Appendix F G—1]

Two Sets

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SUBJECT.....

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Section 65

File No. 14-38

Serial No. 53

Diary No. of letter replied to.....

No. A-76171

General and Revenue Secretariat

( )

the . *19*

Notification

In exercise of the powers vested in them under section 44(2)(bb) of the Bombay Cooperative Societies Act VII of 1925 as amended from time to time, the Govt of the Province of Bombay are pleased to frame the following rule disqualifying defaulters from serving on the Committees of management of or holding offices in Cooperative Societies.

(Hereunder the rule commences)

Date of issue..... 9-5-40

Signed by ..... for J A C.

List of enclosures.....

Copied by .....

Examined by .....

BO

for

N 4/5/40. Secretary

To the Executive Bombay Province Gazette

55

Part IV of the

for publication in the Gazette in English

and Hausa with the request that 2c

each of

copies of the notification be supplied to

the Registrar G.S. and 100 copies to this office

Memo A 71 6172 dt 9/5/60.

Copy of the above is forwarded

with compliments to the Registrar G

B.S. for information

B. O

4/5/60 Received

Amendment

6.F. — If any member during the term he has been elected or appointed to the Committee of management or other office of a ~~~~~ Society continues to be in default to the Society in respect of his dues for a period of three months and more ~~~~ he shall ipso facto cease to be a member of the Committee of management and to hold the office to which he was elected or appointed.

4.5.40

NOTIFICATION.

No. A. F. 6171—*C. S.* 14-38-53, *dated Bangalore, the 9th May* 1940.

In exercise of the powers vested in them under Section 44 (2) (*g*) of the Mysore Co-operative Societies Act, VII of 1918, as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to frame the following rule disqualifying defaulters from serving on the Committee of Management of or holding offices in Co-operative Societies.—

6-*F*. If any member during the term he has been elected or appointed to the Committee of Management or other office of a Society continues to be in default to the Society in respect of his dues for a period of three months and more, he shall *ipso facto* cease to be a member of the Committee of Management and to hold the office to which he was elected or appointed.

By Order,

J. APPAJI GOWDA,

Secretary to Government,
General Department.

Printed by the Superintendent at the Government Press, Bangalore.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. Agb 97

General and Revenue Secretariat,

Dated Bangalore 7th May 1940.

NOTIFICATION.

In exercise of the powers vested in them under Section 44(2)(g) of the Mysore Co-operative Societies Act VII of 1913 as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to frame the following rule disqualifying defaulters from serving on the Committee of Management of or holding offices in co-operative societies.-

C.F. - If any member during the term he has been elected or appointed to the Committee of Management or other office of a society continues to be in default to the society in respect of his dues for a period of three months and more he shall ipso facto cease to be a member of the Committee of Management and to hold the office to which he was elected or appointed.

By order,

Secretary to Government.

The Compiler, Mysore Gazette for publication in Part IV of the Gazette in English and Kannada with the request that 200 copies of each of the notification be supplied to the Registrar of Co-operative Societies and 100 copies to this office.

Ais. 12